

REMARKS

Please reconsider the present application in view of the above amendments and following remarks. Applicant thanks the Examiner for carefully considering the present application.

Applicant is amending the section entitled “Related Applications” in the specification to specify the U.S. serial numbers for the related applications.

Claims 1-24 are currently pending. By way of this reply, claims 1, 2, 5-12 and 14-24 have been amended, and claims 25 and 26 have been added.

Response to Rejection Under 35 USC § 101

In the 2nd paragraph of the Office Action, the Examiner has rejected claims 14-24 under 35 USC § 101, as allegedly directed to non-statutory subject matter. Particularly, the Examiner indicated that claims 14-24 are non-statutory because they are allegedly directed toward a computer-readable medium “including and not limited to electronic, optical, magnetic or other storage or transmission device which are not considered as tangible and do not form the basis of statutory subject matter under 35 U.S.C. 101.” See instant Office Action, page 2. Applicant does not concede that any of the embodiments in the specification (e.g. transmission device) is a non-statutory embodiment. However, to expedite prosecution of the application, Applicant has amended claims 14-24 to recite a “tangible computer-readable medium.” Applicant submits that the addition of “tangible” limits the claims to only cover tangible embodiments and thereby renders the claims statutory.

Accordingly, in view of the above, claims 14-24 are at least now directed to statutory subject matter under § 101. Accordingly, withdrawal of the § 101 rejections is respectfully requested.

Response to Rejection Under 35 USC 102(e) in View of Jordahl

In the 5th paragraph of the Office Action, the Examiner rejects claims 1-24 under 35 USC § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2004/0036716 to Jena J. Jordahl (“Jordahl”). For the reasons set forth below, these rejections are respectfully traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987); MPEP § 2131. Independent claim 1 has been amended to now recite a method that includes identifying a common element in multiple articles, analyzing a spatial location of the common element in an article, and determining whether the common element is a boilerplate element of the article based on its spatial location. For example, the method can analyze articles residing in a website to identify common elements and determine whether one of the common elements is a boilerplate element of an article by considering the spatial location of the element in the article. See, e.g., page 14, paragraphs [0036] and [0038]. Amended independent claims 5, 14 and 16 similarly include the limitations of analyzing a spatial location of an element in an article and determining whether the element is a boilerplate element based on its spatial location.

Jordahl, among other differences, does not disclose the claimed limitation of “analyzing a spatial location of the common element in an article of the plurality of articles; and determining whether the common element is a boilerplate element of the article based at least in part on the spatial location.” Jordahl, in contrast, discloses a system and method to create an environment where the analysis of similarities and differences between pieces of information can be customized and displayed in a manner that is easily understood. See Jordahl, Summary, Paragraph [0011].

The Examiner cited Fig. 12 of Jordahl for the teaching of spatial location in the rejection of original claim 6. Fig. 12 of Jordahl is a two-dimensional representation of data stored in a database. In Fig. 12, data related to different items are represented by different symbols (e.g., squares, circles, triangular symbols and + symbols). See Jordahl, Fig. 12, Paragraph [0087]. The locations of the symbols in the representation are different from the claimed spatial locations of elements in an article. In the former case, the locations merely indicate how the corresponding data are stored in the database relative to each other. In contrast, in the latter case, which is claimed, the spatial locations correspond with the intended arrangement of the elements in the article for viewers to see. In addition, Jordahl differentiates data by their contents, not their locations. See Jordahl, Figs. 1A and 12, Paragraphs [0087] and [0088]. Therefore, Jordahl fails to disclose analyzing a spatial location of the common element in an article and determining whether the common element is a boilerplate element based on its spatial location as required by amended independent claims 1, 5, 14 and 16.

In view of the above, Jordahl fails to disclose each and every limitation recited in amended independent claims 1, 5, 14 and 16. Thus, amended independent claims 1, 5, 14

and 16 are patentably distinguishable over the cited reference. The dependent claims are allowable for at least the same reasons. Accordingly, withdrawal of the § 102 rejections is respectfully requested.

Independent claim 8 has been amended to now recite a method that includes identifying a common element in multiple articles, analyzing a link associated with the common element in an article, and determining whether the common element is a boilerplate element of the article based on the associated link. Therefore, the amended independent claim 8 beneficially recites a method that can identify boilerplate elements in an article based on links associated with common elements. Amended independent claim 19 includes limitations similar to claim 8.

Jordahl, among other differences, does not disclose the claimed limitations of “analyzing a link associated with the common element in an article of the plurality of articles; and determining whether the common element is a boilerplate element of the article based at least in part on the link associated with the common element.” The Examiner cited paragraphs [0059] and [0099] of Jordahl for the teaching of the above-cited limitations. However, paragraph [0059] of Jordahl merely teaches about links between categories and usages of the links to create categories and to expand searches among categories. Paragraph [0099] of Jordahl teaches about a method to create links for categories/elements. The cited sections fail to disclose analyzing a link associated with a common element and determining whether the common element is a boilerplate element based on the associated link as required by amended independent claims 8 and 19.

In view of the above, Jordahl fails to disclose each and every limitation recited in amended independent claims 8 and 19. Thus, amended independent claims 8 and 19 are

patentably distinguishable over the cited reference. The dependent claims are allowable for at least the same reasons. Accordingly, withdrawal of the § 102 rejections is respectfully requested.

Conclusion

The Examiner is encouraged to contact the undersigned attorney if it would be beneficial to further advance the prosecution of the application.

Respectfully Submitted,
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